

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**AMERICAN HEALTHNET, INC., A  
Nebraska Corporation,**

**Plaintiff,**

**V.**

**WEST SIDE COMMUNITY HOSPITAL, INC.,  
An Illinois Corporation d/b/a SACRED  
HEART HOSPITAL,**

**Defendant.**

**8:04CV9**

## ORDER

Now pending before the court is defendant's Application for Attorney's Fees (#72). Defendant was awarded costs and fees at the time the court granted defendant's motion to compel discovery (see #65). The pending motion shows that counsel expended 3.5 hours in preparing the motion to compel. The court finds that counsel spent a reasonable amount of time preparing the motion to compel. Noting plaintiff's objection, I further find that the \$220.00 hourly rate reflects a reasonable charge, albeit at the high end, for professional legal services in this court by lawyers regularly employed to perform like services.<sup>1</sup>

**IT IS ORDERED** that defendant's Application for Attorney's Fees (#72) is granted in the amount of \$770.00, said amount to be paid or offset at the time of final judgment.

**DATED May 17, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**

<sup>1</sup>In reaching this conclusion, I note that, although it could have done so, defendant did not seek reimbursement for fees and costs expended in all its efforts to obtain discovery from plaintiff, e.g., time expended on the many letters and discussions with opposing counsel necessary to show compliance with NECivR 7.1(i) and Fed. R. Civ. P. 37(a)(2)(A).